

84-104-A 84-104-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2.b(3) to permit 147 parking spaces in lieu of the required 178.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

requirement of 178 parking spaces is too restrictive considering size of lot and imposes both hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LESSEE
MRO MID-ATLANTIC CORP.
(Type or Print Name)
Signature
10400 Fernwood Road
Bethesda, Maryland 20058
City and State

Legal Owner(s):
Garrett Leasing Associates
(Type or Print Name)
BY: *Alvin M. Blum*
Signature
Alvin M. Blum, President, Blum's, Inc.
(Type or Print Name) Partner of Garrett Leasing Associates
Signature

c/o Blum's, Inc.
Garrett Building
Address Phone No.
Baltimore, Maryland 21202
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
102 E. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Name
Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of August, 1983.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of October, 1983, at 10:30 o'clock A.M.

Carl J. ...
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW Corner Reisterstown & Painters Mill Rds., 4th District : OF BALTIMORE COUNTY
GARRETT LEASING ASSOCIATES, : Case No. 84-104-A
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1983, a copy of the foregoing Order was mailed to E. Harrison Stone, Esquire, 132 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Mr. Robert E. Koehler, MRO Mid-Atlantic Corp., 10400 Fernwood Rd., Bethesda, MD 20058, Lessee.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 11, 1983

COUNTY OFFICE BLDG.
111 W. Chesebrough Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 35 - Case No. 84-104-A
Garrett Leasing Associates
Variance Petition

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Robert E. Koehler
MRO Mid-Atlantic Corp.
10400 Fernwood Road
Bethesda, Maryland 20058

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning

Date: August 31, 1983

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #35 - Garrett Leasing Associates
- Item #36 - Joris & Carol Brooks
- Item #38 - William F. Wilke, Inc.
- Item #39 - Raymond J. & Pio J. Marocco
- Item #40 - Charles & Mary Hebbel
- Item #41 - Calvin & Joan L. Hornstein
- Item #42 - Robert D. Battista

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 35 - ZAC Meeting of August 9, 1983
Property Owner: Garrett Leasing Associates
Location: SW/Cor. Reisterstown Road and Painters Mill Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit 147 parking spaces in lieu of required 178 spaces.

Acres: 1.99
District: 4th

Dear Mr. Hammond:

A 31 parking space variance for a fast food restaurant seems excessive and parking problems may occur.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
W. S. Calhoun
Administrator

August 19, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 8-9-83
ITEM: #35.
Property Owner: Garrett Leasing Associates
Location: SW/Cor. Reisterstown Rd. Route 140 and Painters Mill Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit 147 parking spaces in lieu of the required 178 spaces.
Acres: 1.99
District: 4th

Dear Mr. Hammond:

On review of the site plan of 7-18-83 and field inspection, the State Highway Administration finds the variance for parking spaces generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 200-0451 D.C. Metro - 1-800-422-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 2, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #35 (1983-1984)
Property Owner: Garrett Leasing Associates
S/W corner Reisterstown Rd. and Painters Mill Rd.
Acres: 1.99 District: 4th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Reisterstown Road (Rd. 140) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

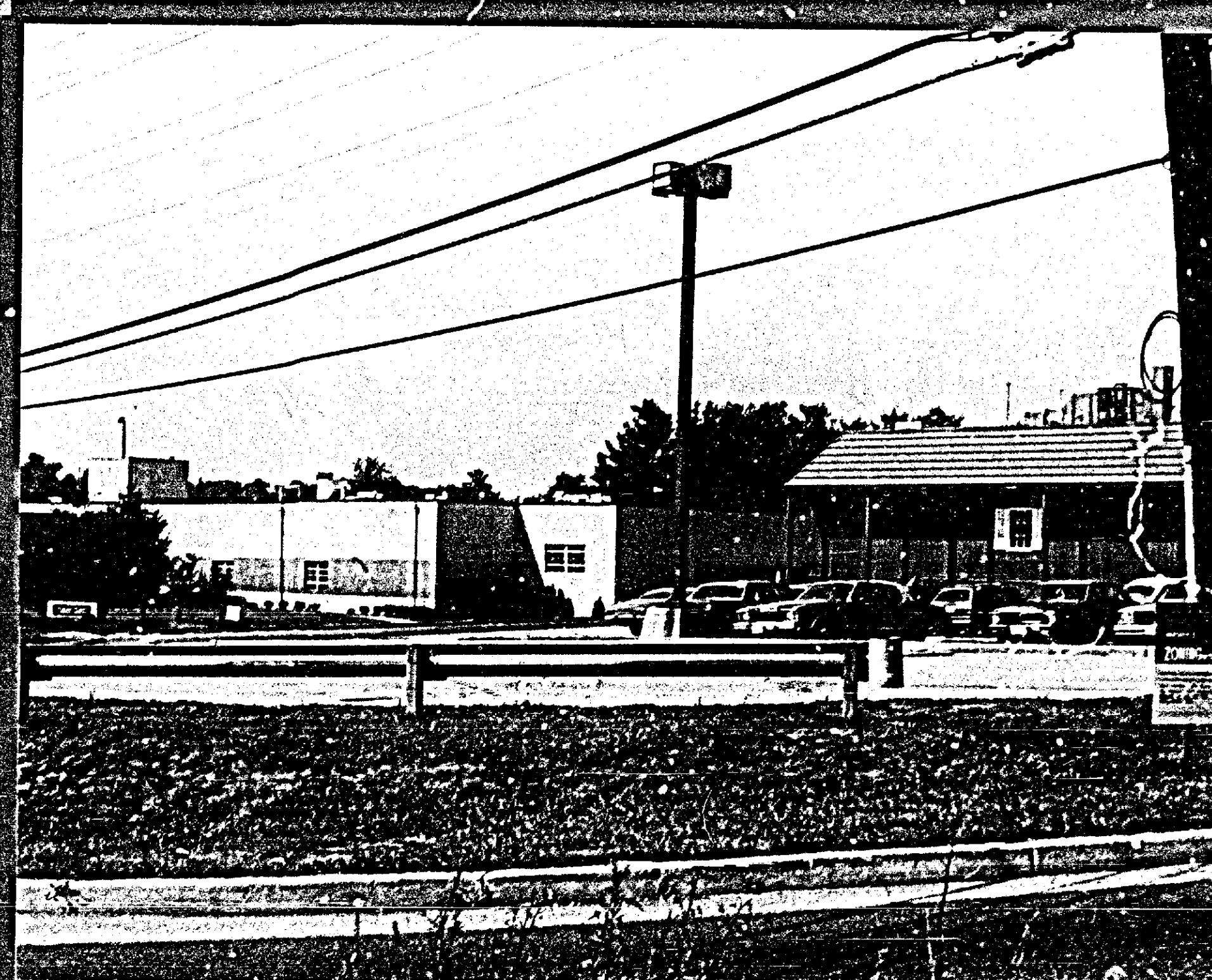
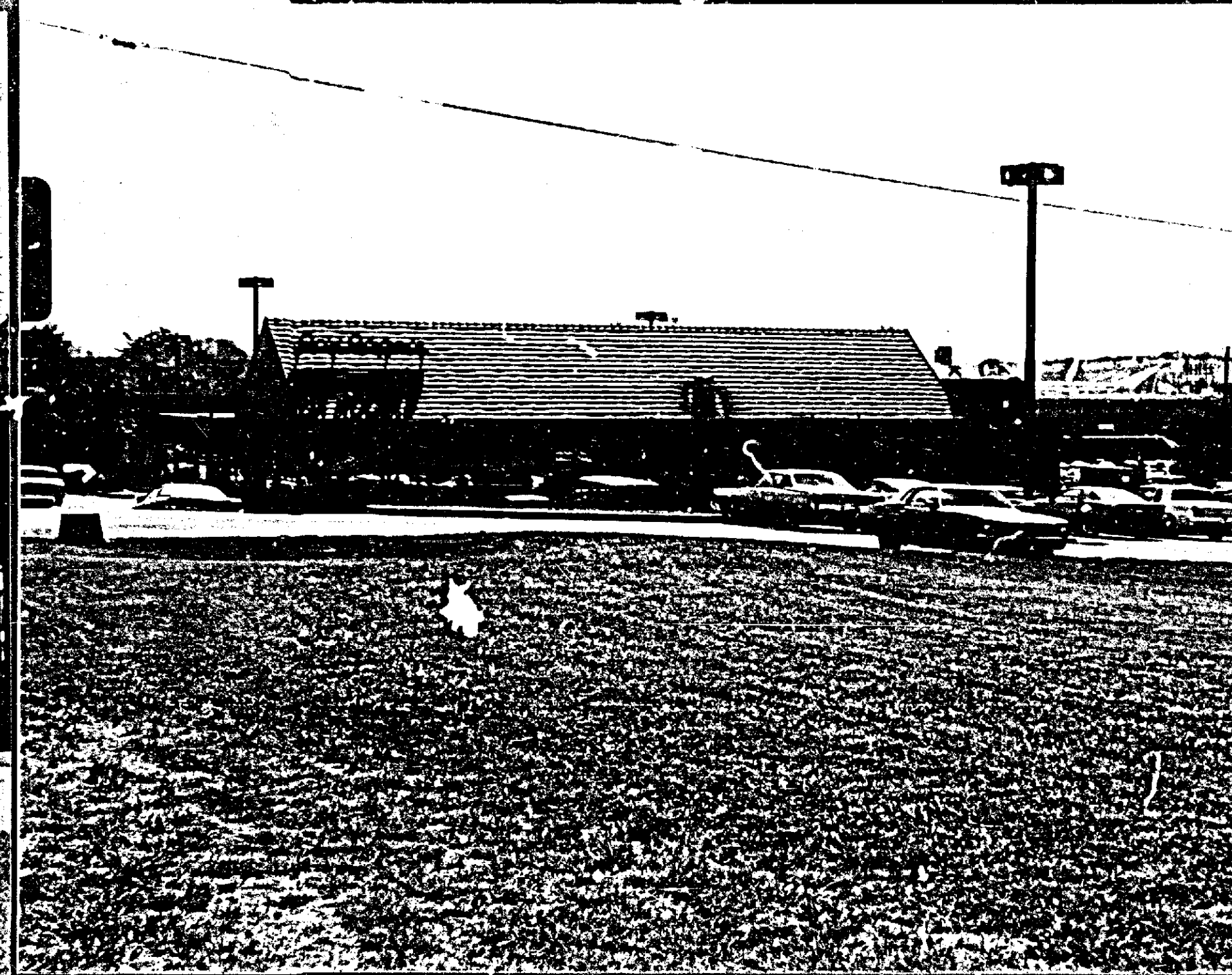
Comments were supplied for this property in conjunction with the Zoning Advisory Committee review for Item 182 (1970-1971).

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 35 (1983-1984).

Very truly yours,
Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAM:EWM:FWR:iss

T-SE & SW Key Sheets
43 & 44 NW 31 Pos. Sheets
NW 11 H Topo
58 & 67 Tax Maps



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting Sept. 30, 1983

Posted for: Garrett Leasing Associates

Petitioner: Garrett Leasing Associates

Location of property: NW Corner of Redstone and Painter Mill Roads

Location of Signs: NW Corner of Redstone and Painter Mill Roads

Remarks: _____

Posted by: [Signature] Date of return: October 7, 1983

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 29, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 13th day of October, 1983, the 1st publication appearing on the 22nd day of September, 1983.

THE JEFFERSONIAN
[Signature]
Manager.

Cost of Advertisement, \$.....22.25.....

PETITION FOR VARIANCE
4th Election District
ZONING: Petition for Variance
LOCATION: Northwest corner Redstone Road and Painter Mill Road
DATE & TIME: Wednesday, October 19, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to permit 147 parking spaces in lieu of the required 178. The Zoning Regulation to be accepted is as follows:

Section 409.2(b)(3) - parking requirements for a restaurant

All that parcel of land in the Fourth District of Baltimore County BEGINNING for the same at a point on the southwest side of Redstone Road, and the northwest side of Painter Mill Road, thence running (1) South 40 degrees 00 minutes 35 seconds East 136.72 feet, (2) South 24 degrees 43 minutes 32 seconds East 71.43 feet, (3) South 34 degrees 08 minutes 54 seconds West 70.05 feet, (4) South 48 degrees 31 minutes 15 seconds West 70.25 feet, (5) North 47 degrees 32 minutes 15 seconds West 487.69 feet (6) North 42 degrees 27 minutes 43 seconds East 185.00 feet, (7) South 47 degrees 32 minutes 15 seconds East 281.15 feet to the place of beginning; Containing 1.9208 acres of land, being the property of Garrett Leasing Associates, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

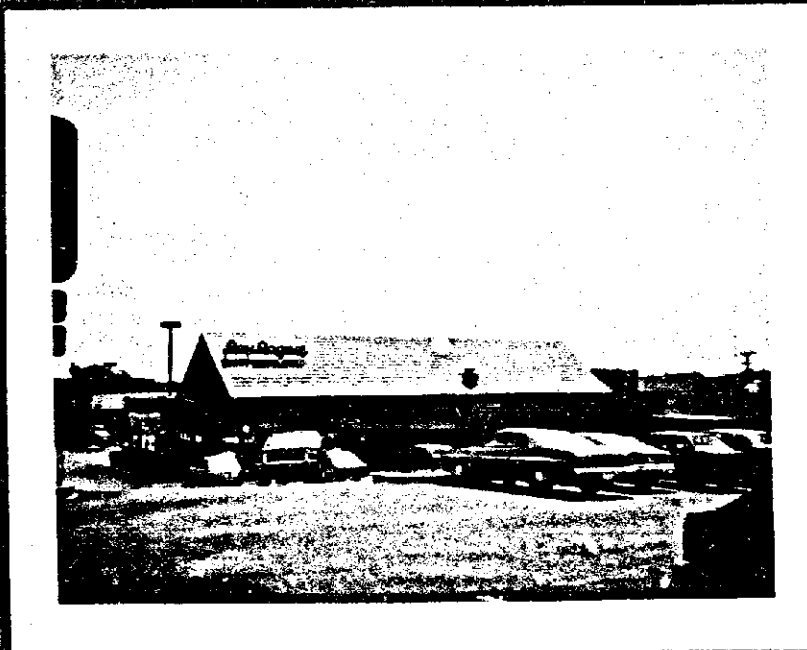
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
9th day of August, 1983.

ARNOLD JARLON
Zoning Commissioner

Petitioner Garrett Leasing Associates received by [Signature]
Petitioner's Attorney E. Harrison Stone, Esq. Nicholas E. Commodore
Chairman, Zoning Plans
Advisory Committee





EXIST. SHOPPING CENTER

SPACES REQUIRED	70 (1150 #)
EX SPACES	0
EX HANDICAPPED	2 (INCLUDED IN EXIST SPACES)
PROV SPACES	77
FROM HANDICAPPED	2 (INCLUDED IN PROV SPACES)
TOTAL SPACES PROV	77

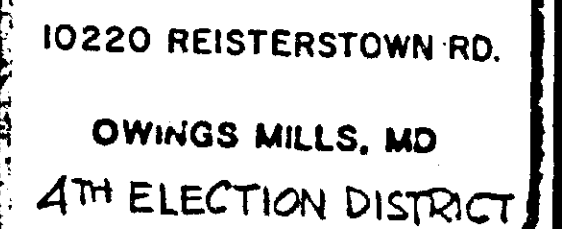
SPACES REQUIRED 105 (V50 #)
TOTAL SPACES PROV. 70 (2 HANDICAPP INCL. + 7 SPACES FROM ABOVE INCL.)

TOTAL PARKING REQ'D - 178
TOTAL PARKING PROVIDED-147



NO.	DESCRIPTION	DATE	BY
REVISIONS			
ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR			
ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK			

CENTURY ENGINEERING INC.
ENGINEERS · PLANNERS
32 WEST ROAD
TOWSON, MD. 21204



BUILDING OWNER-DEVELOPER:
MRO MID-ATLANTIC CORP.
10400 FERNWOOD RD.
BETHESDA, MD. 20058

LAND OWNER:
GARRETT LEASING ASSOC.
c/o BLUM'S INC.
GARRETT BUILDING
BALTIMORE, MD. 21202

SHEET TITLE
SITE PLAN

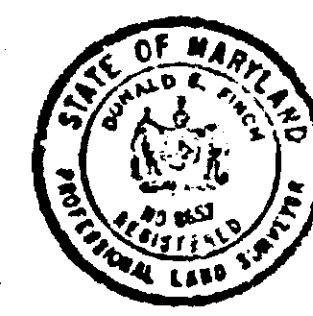
DRAWN	ISSUED
APPR	SCALE 1" = 20'
JOB NO A-204	DWG NO C-1

LYON BROS. CO. INC.
ZONED MLR-1M

ZONED ML-1M

NAARDEN - FLAVOREX, INC.

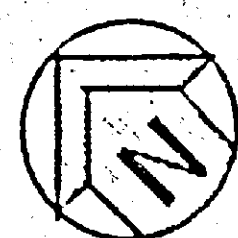
**PETITIONER'S
EXHIBIT 1**



SURVEYORS CERTIFICATE:

I HEREDY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

Donald E. Finch 7-18-62
DONALD E. FINCH, R.L.S. NO. 8657 DATE



ZONED BL-CNS

EXIST. AMOCO SERVICE STATION

ZONED BM

EXIST. SHOPPING CENTER

PLANT LIST

SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	CALIPER	HEIGHT
		DOUBLEFILE VIBURNUM	VIBURNUM TOMENTOSUM		2'
		NORWAY MAPLE	ACER PLATANOIDES	2'-3'	

PARKING TABULATION FOR ROY ROGERS

SPACES REQUIRED	70 (V50 #)
EX SPACES	60
EV HANDICAPPED	2 (INCLUDED IN EXST SPACES)
PROP SPACES	77
PROP HANDICAPPED	2 (INCLUDED IN PROP SPACES)
TOTAL SPACES PROV	77

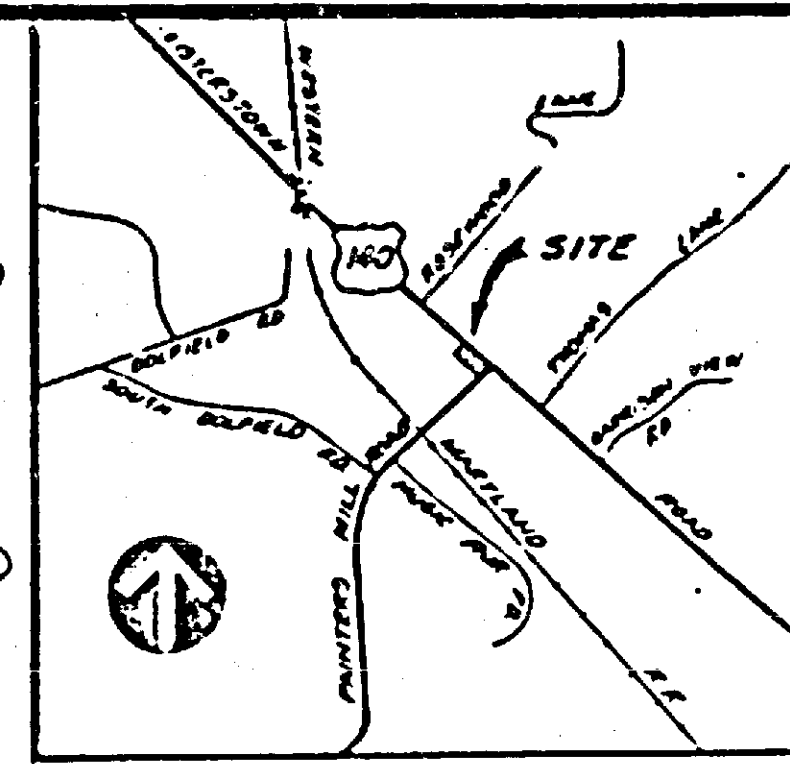
PARKING TABULATION FOR RUSTLER

SPACES REQUIRED	105 (V50 #)
TOTAL SPACES PROV	70 (2 HANDICAPP INCL + 7 SPACES FROM ABOVE INCL)

PARKING SUMMARY:

TOTAL PARKING REQ'D - 178
TOTAL PARKING PROVIDED - 147

VICINITY MAP
SCALE: 1" = 1,000'



REISTERSTOWN

ROAD

U.S. RTE. 140

ROAD

MILL
PAINTERS
MARYLAND CUP CORP.
ZONED MLR-1M

CENTURY ENGINEERING INC.
ENGINEERS - PLANNERS
32 WEST ROAD
TOWSON, MD. 21204



10220 REISTERSTOWN RD.
OWINGS MILLS, MD
4TH ELECTION DISTRICT

BUILDING OWNER-DEVELOPER:
MRO MID-ATLANTIC CORP.
10400 FERNWOOD RD.
BETHESDA, MD. 20058

LAND OWNER:
GARRETT LEASING ASSOC.
c/o BLUM'S INC.
GARRETT BUILDING
BALTIMORE, MD. 21202

SHEET TITLE
LANDSCAPE PLAN

DRAWN
APPR
JOB NO
A-204

ISSUED
SCALE
1" = 20'
DWG NO
C-2

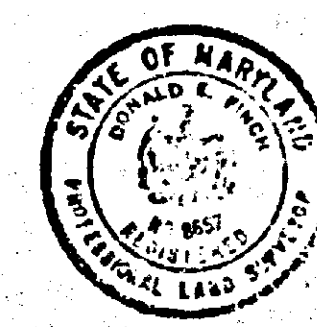
LYON BROS. CO. INC.
ZONED MLR-1M

ZONED ML-1M

NAARDEN - FLAVOREX, INC.

PLANS APPROVED
OFFICE OF PLANNING & ZONING

BY: *[Signature]*
DATE: 12/12/83
BY: *[Signature]*
DATE: 12/12/83
84-104-A
LH27-5-C



SURVEYORS CERTIFICATE:

I HEREDY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

[Signature] 7-18-83
DONALD E. FINCH, R.L.S. NO. 8657 DATE

84-104-A 84-104-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2.b(3) to permit 147 parking spaces in lieu of the required 178.

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requirement of 178 parking spaces is too restrictive considering size of lot and imposes both hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LESSEE
MRO MID-ATLANTIC CORP.
(Type or Print Name)
Signature
10400 Fernwood Road
Bethesda, Maryland 20058
City and State

Legal Owner(s):
Garrett Leasing Associates
(Type or Print Name)
BY: *Alvin M. Blum*
Signature
Alvin M. Blum, President, Blum's, Inc.
(Type or Print Name) Partner of Garrett Leasing Associates
Signature

c/o Blum's, Inc.
Garrett Building
Address Phone No.
Baltimore, Maryland 21202
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
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Towson, Maryland 21204
City and State

Name
Address Phone No.

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Carl J. J...
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW Corner Reisterstown & Painters Mill Rds., 4th District : OF BALTIMORE COUNTY

GARRETT LEASING ASSOCIATES, : Case No. 84-104-A
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1983, a copy of the foregoing Order was mailed to E. Harrison Stone, Esquire, 132 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Mr. Robert E. Koehler, MRO Mid-Atlantic Corp., 10400 Fernwood Rd., Bethesda, MD 20058, Lessee.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 11, 1983

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 35 - Case No. 84-104-A
Garrett Leasing Associates
Variance Petition

Dear Mr. Stone:

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Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Robert E. Koehler
MRO Mid-Atlantic Corp.
10400 Fernwood Road
Bethesda, Maryland 20058

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning

Date: August 31, 1983

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

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- Item #42 - Robert D. Battista

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 35 - ZAC Meeting of August 9, 1983
Property Owner: Garrett Leasing Associates
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Michael S. Flanagan
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Traffic Engineer Assoc. II

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Calhoun
Administrator

August 19, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

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ITEM: #35.
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Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 200-0451 D.C. Metro - 1-800-422-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 2, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #35 (1983-1984)
Property Owner: Garrett Leasing Associates
S/W corner Reisterstown Rd. and Painters Mill Rd.
Acres: 1.99 District: 4th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

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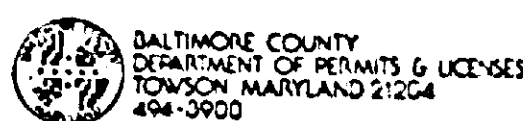
Very truly yours,
Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAV:EAM:FWR:iss

T-SE & SW Key Sheets
43 & 44 NW 31 Pos. Sheets
NW 11 H Topo
58 & 67 Tax Maps

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s), to permit



September 20, 1983

TED JALSKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:
Comments on Item # 35 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Garrett Leasing Associates
Location: 3400 Reisterstown Rd. and Painters Mill Road
Present Zoning: R-1
Proposed Zoning: Variance to permit 147 parking spaces in lieu of the required 178 spaces.

Area: 1.99
District: 4th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal is/is not required.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 401, Line 2, Section 1407 and Table 1405.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- X I. Comments: Additional handicapped spaces are required, see minimum number required by State Handicapped Code, Section .05. See also applicability Section .02. Post proper signage at each space.

NOTES: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #102 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Mark E. Hammon
Mark E. Hammon, Chief
Plans Review

CEH:rrr
POM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

RE: Item No: 35, 36, 37, 38, 39, 40, 41 & 42
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN RE: PETITION ZONING VARIANCE
NW/corner of Reisterstown and
Painters Mill Roads - 4th
Election District
Garrett Leasing Associates,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-104-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by its Lessee, MRO Mid-Atlantic Corporation, requests a variance to permit 147 parking spaces in lieu of the required 178 spaces.

The Lessee appeared with Counsel and presented testimony from Gregory Klar, a registered civil engineer, and George Carbonell, a real estate manager for Marriott Corporation, the parent company of the Lessee. No Protestants appeared.

Testimony indicated, and was uncontested, that the Lessee's request to reduce the number of parking spaces required from 178 to 147 was based on its desire to add a drive-thru window for the customers who use the Roy Rogers' Restaurant it operates on the Petitioner's property, as more fully described on Petitioner's Exhibit 1. The required parking spaces are determined by the total square footage of both restaurants co-existing on the property. The existing Roy Rogers' building is owned by Mid-Atlantic, a subsidiary of Marriott, and is on property owned by Garrett Leasing Associates. The existing Rustler Steak House is owned by Key Enterprises, which subleases the property from Mid-Atlantic which leases from Garrett. There are no property lines separating the two buildings and parking for both is held in common. Testimony indicated that the addition of the drive-thru would necessitate the loss of 31 spaces. The expert opinion of both the Petitioner's engineer and real estate manager is that the proposed number of spaces would be adequate for both businesses and would not interfere with or impede the traffic flow onto, on and out of the site, nor

ORDER RECEIVED FOR FILING
DATE *Sept 29, 1983*
BY *John R. Langley*

would interfere with or impede customer parking. The justification for their conclusion is based on the following:

- the drive-thru will reduce the need for customer parking by approximately 25 to 30%, customers who would normally stop and park but now will use the drive-thru;
- the two restaurants' peak business periods are different and blend together in that Roy Rogers serves mostly lunch-time business, approximately 60% of its customers, as contrasted to Rustler which serves mostly dinner-time business, approximately 70% of its customers;
- the parking requirements therefore are complemented by the contrasting business needs; and
- the parking lot is never full.

Testimony indicated that the addition of the drive-thru is a business decision effected by a potential increase in business and due to the direct competition in the area, i.e., other fast-food outlets have drive-thru operations in the area.

Testimony was clear that the missing spaces would not be needed or missed. If 25 to 30% of the customers could be expected to use the drive-thru, there would be a concomitant drop in the need for parking as those customers would literally drive through. The Lessee will provide ten stacking spaces for customers of the drive-thru, but testimony was presented that only five or six would even be needed during the peak hours.

The Petitioner seeks relief from Section 409.2b.(3), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

In an area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *20th* day of October, 1983, that the Petition for Variance to permit 147 parking spaces in lieu of the required 178 spaces be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 3 -

- The comments of the Baltimore County Zoning Plans Advisory Committee are adopted in their entirety, and the Petitioner will be required to submit a detailed landscaping plan for approval to the Current Planning and Development Division, Office of Planning and Zoning, will be required to comply with the comments of the Department of Permits and Licenses, and shall submit an amended site plan showing the required number of handicapped parking spaces if Petitioner's Exhibit 1 is not sufficient.

Wm. Nick Petrovich
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE *Oct 20, 1983*
BY *John R. Langley*

- 4 -

Statement of Qualifications:

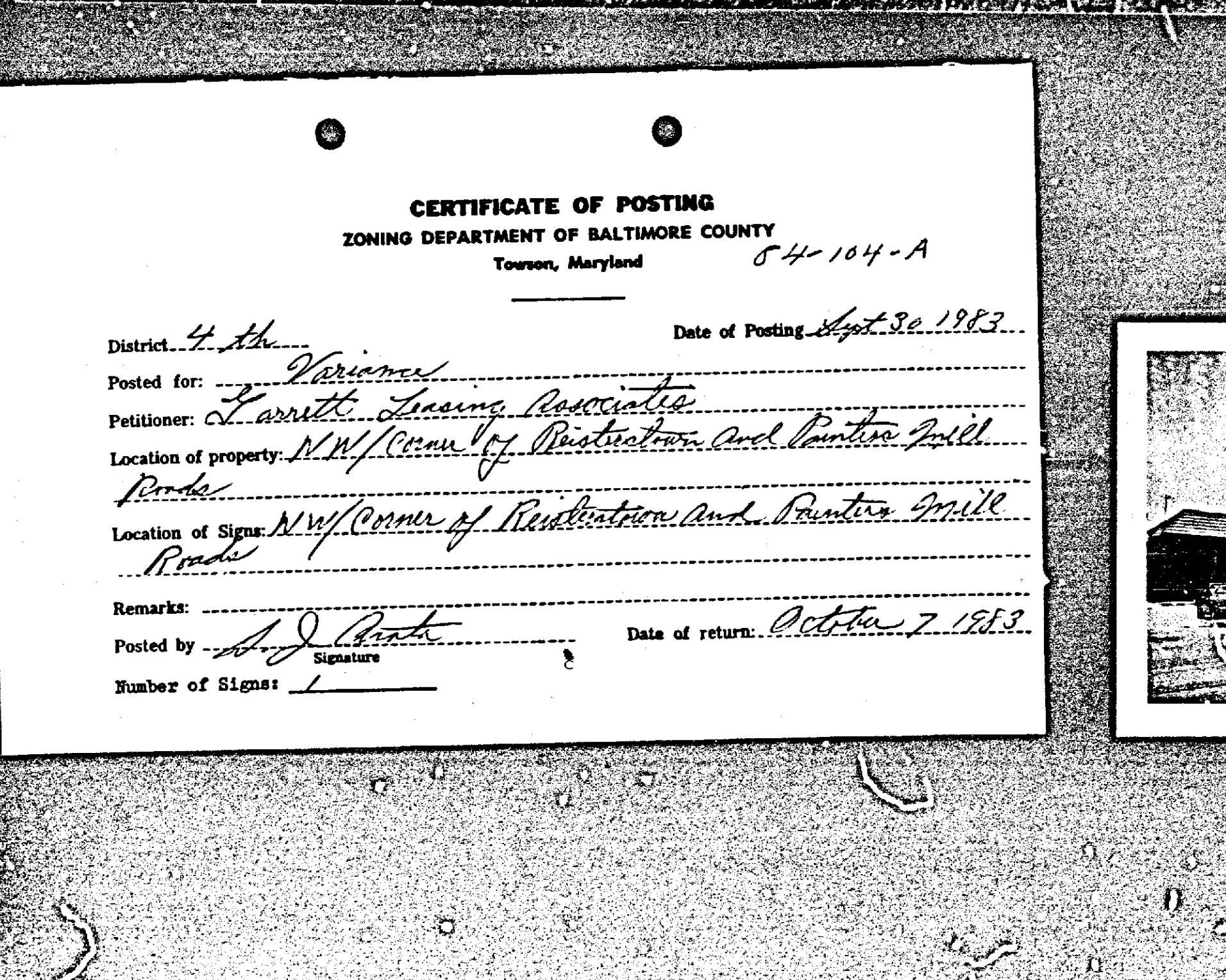
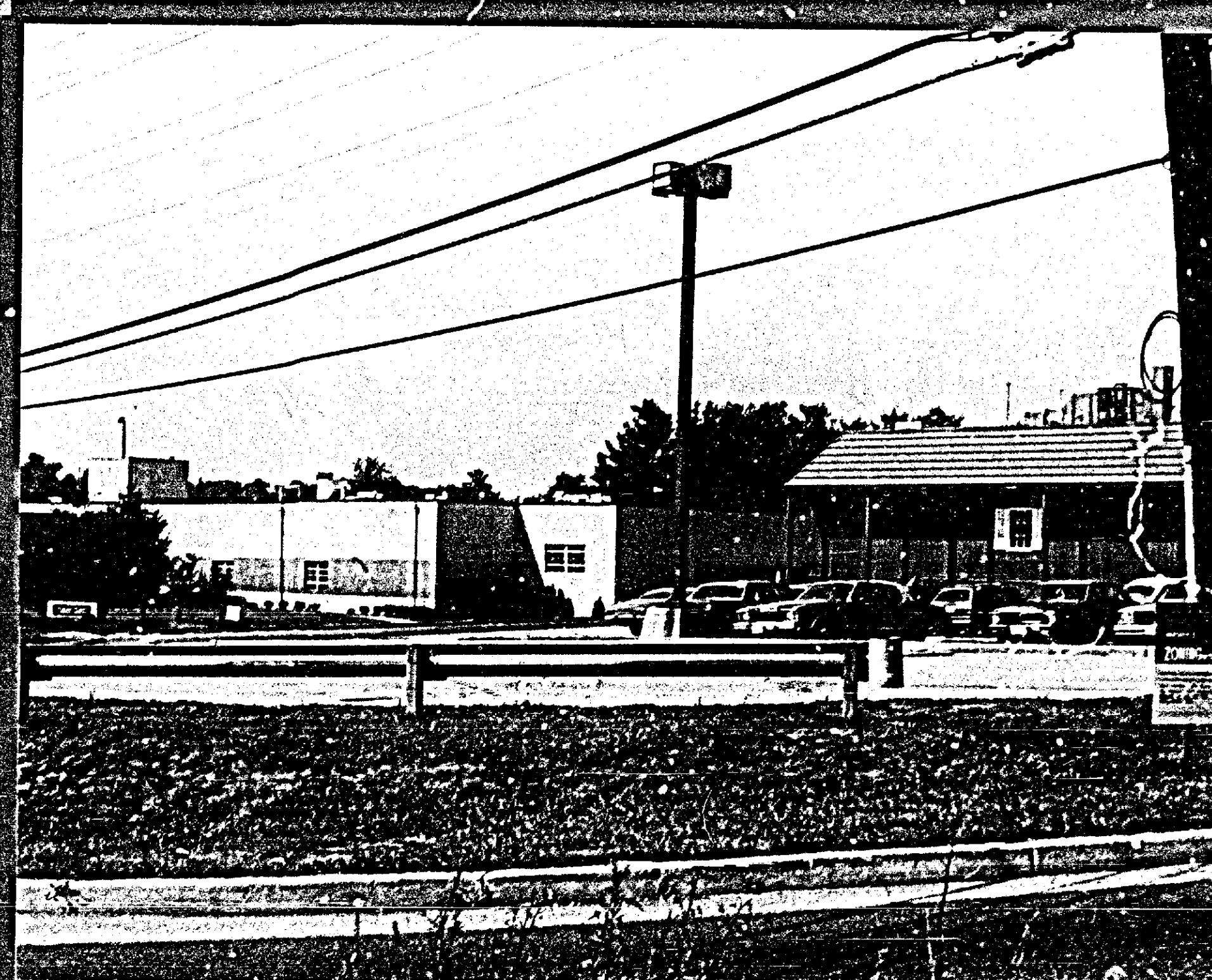
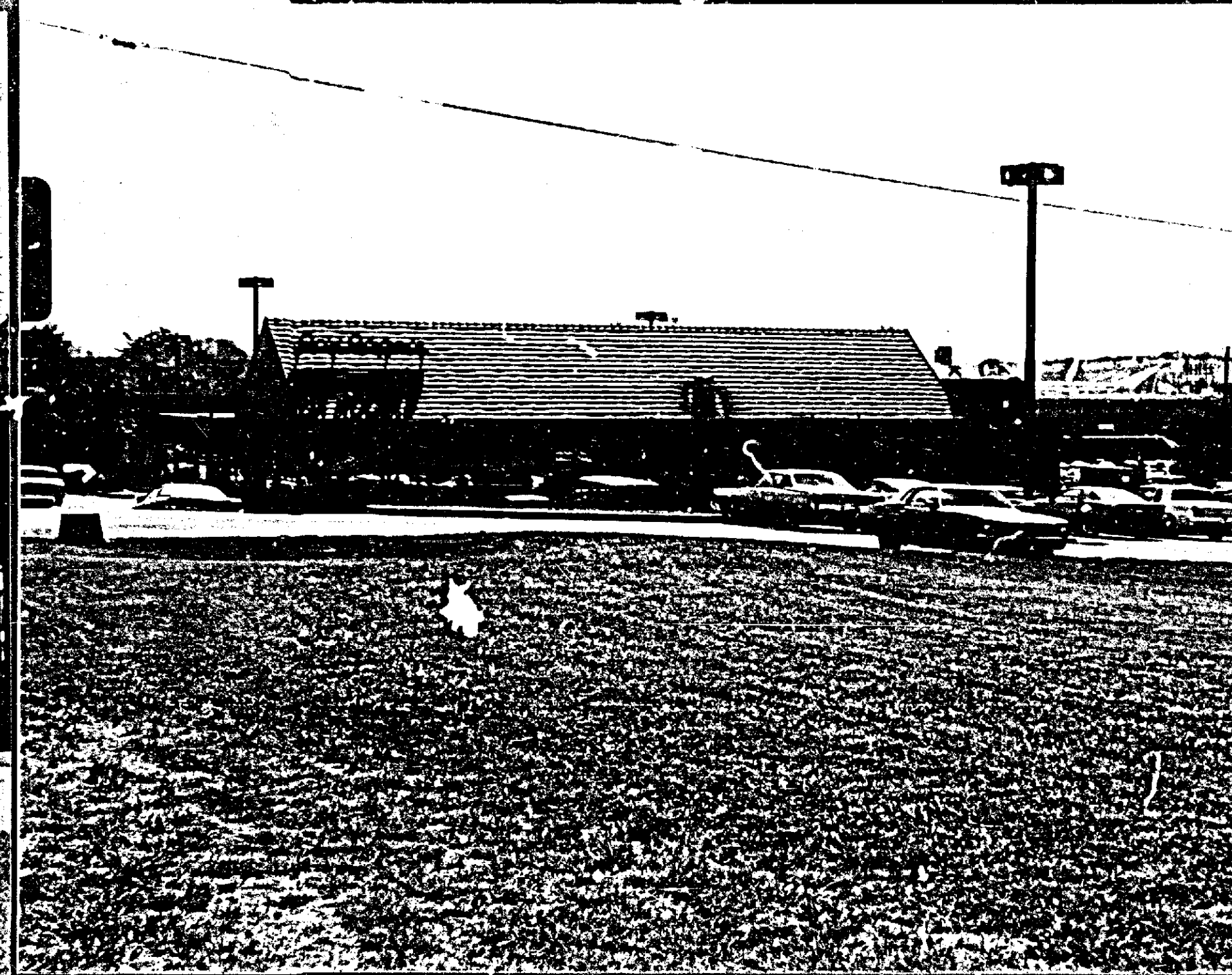
Gregory R. Klar
Director of Land Development
Century Engineering, Inc.
32 West Road
Towson, Maryland 21204
(301) 823-8070

Education:	Chaminade High School, Mineola, New York Stevens Institute of Technology B.S. - Civil Engineering Loyola College (M.B.A.)	1965-1969 1969-1973 1973 1983-Present
Experience:	Whitman, Reardon & Associates Civil Engineer - Land Development Century Engineering, Inc. Director - Land Development	1973-1978 1978-Present
Representative Projects:	Roy Rogers Conversions - W. Goshen, PA Quakertown, PA East Point, MD Baltimore City, MD Rivers Corporate Park - 250 Ac. Business Park - Howard Co., MD Marriott Food Distribution Center - 17.5 Ac. - Jessup, MD Weis Market - 10 Ac. - Westminster, MD Village of Kings Contrivance - 460 Ac. - Mixed Use Subdivision Howard Co., MD Westminster Mall - 15 Ac. - K-Mart & Giant Shopping Center Westminster, MD	

PETITIONER'S

ORDER RECEIVED FOR FILING
DATE *Oct 20, 1983*
BY *John R. Langley*

- 2 -



CERTIFICATE OF PUBLICATION

TOWSON, MD., September 29, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 13th day of October, 1983, the 1st publication appearing on the 22nd day of September, 1983.

THE JEFFERSONIAN
S. Frank Smith
Manager.

Cost of Advertisement, \$22.25

PETITION FOR VARIANCE

4th Election District

LOCATION: Northeast corner Reisterstown Road and Painters Mill Road

DATE & TIME: Wednesday, October 19, 1983 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing on the petition for variance to permit 147 parking spaces in lieu of the required 178. The Zoning Regulation to be accepted is as follows:

Section 409.2(b)(3) - parking requirements for a restaurant

All that parcel of land in the Fourth District of Baltimore County BEGINNING for the same at a point on the southwest side of Reisterstown Road, and the northwest side of Painters Mill Road, thence running (1) South 40 degrees 00 minutes 35 seconds East 136.72 feet, (2) South 24 degrees 43 minutes 32 seconds East 71.43 feet, (3) South 34 degrees 08 minutes 54 seconds West 70.05 feet, (4) South 48 degrees 31 minutes 15 seconds West 70.25 feet, (5) North 47 degrees 32 minutes 15 seconds West 487.69 feet (6) North 42 degrees 27 minutes 43 seconds East 185.00 feet, (7) South 47 degrees 32 minutes 15 seconds East 281.15 feet to the place of beginning; Containing 1.9208 acres of land, being the property of Garrett Leasing Associates, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
Zoning Commissioner
OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of August, 1983.

Petitioner's Attorney: E. Harrison Stone, Esq.
Garrett Leasing Associates

Received by: Nicholas E. Commodore
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: Sept. 30, 1983

Posted for: Variance

Petitioner: Garrett Leasing Associates

Location of property: NW Corner of Reisterstown and Painters Mill Roads

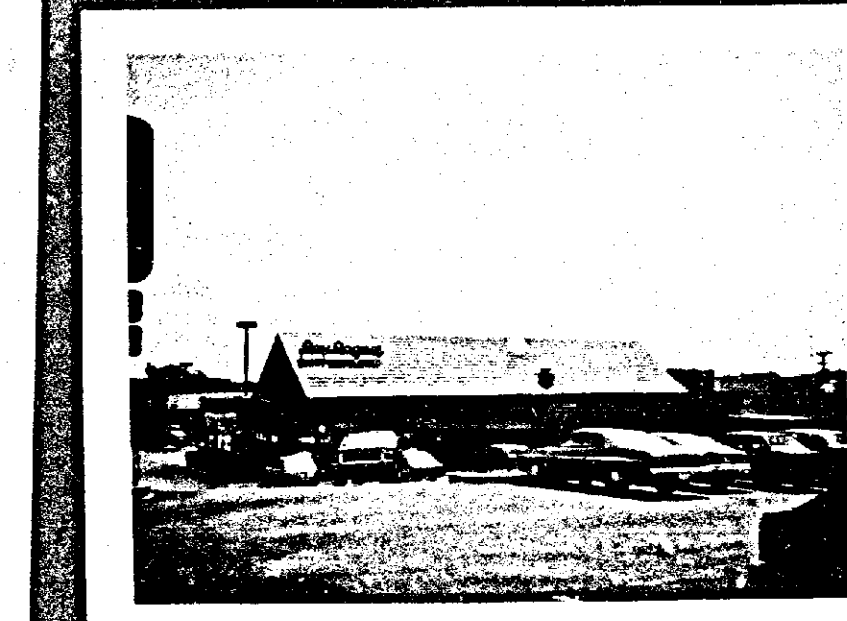
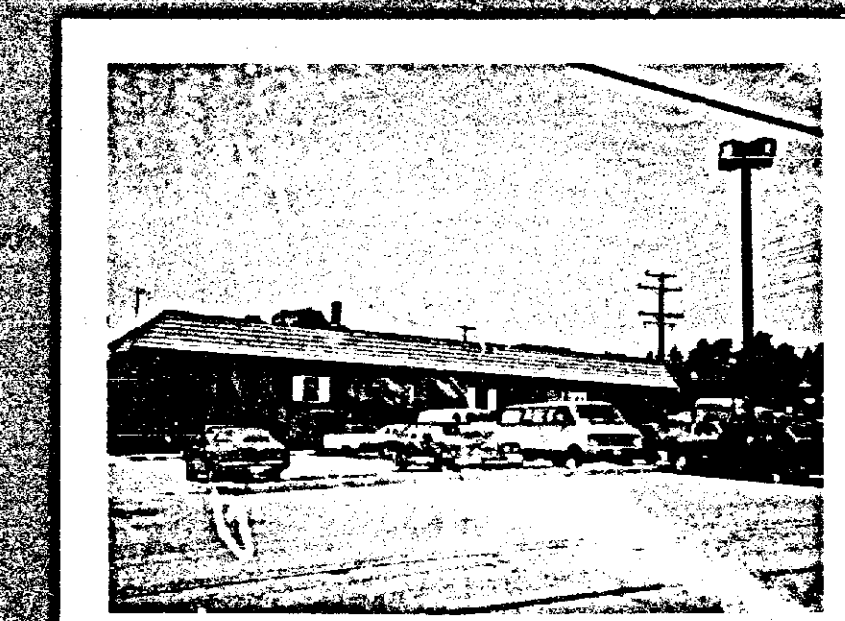
Location of Signs: NW Corner of Reisterstown and Painters Mill Roads

Remarks:

Posted by: S. J. Smith
Signature

Date of return: October 7, 1983

Number of Signs: 1





EXIST. AMOCO SERVICE STATION

ZONED BM

EXIST. SHOPPING CENTER

PARKING TABULATION FOR ROY ROGERS

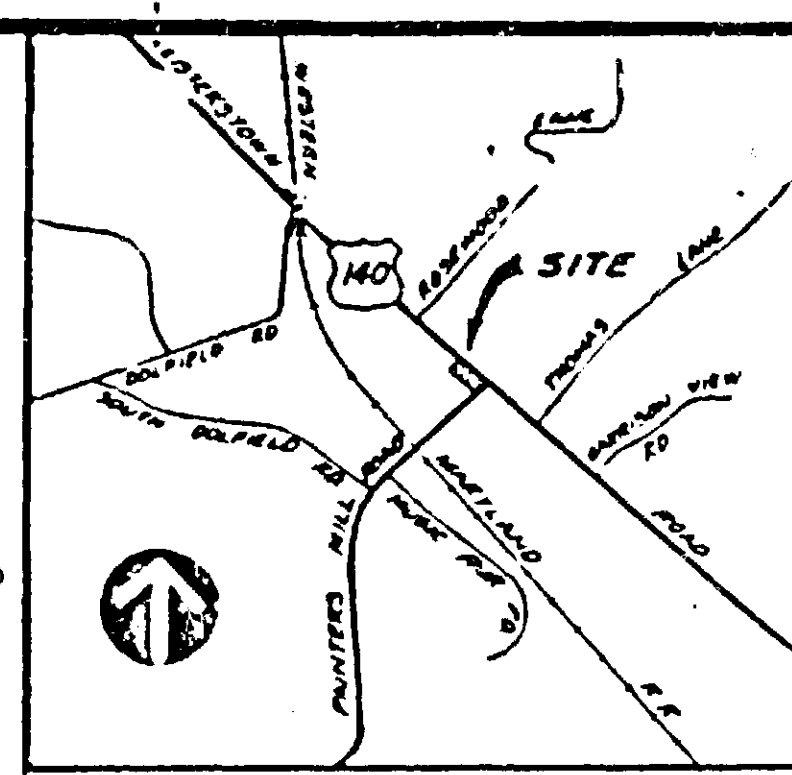
SPACES REQUIRED	70 (1500 #)
EX SPACES	0
EX HANDICAPPED	2 (INCLUDED IN EXIST SPACES)
PROV SPACES	77
FROM HANDICAPPED	2 (INCLUDED IN PROV SPACES)
TOTAL SPACES PROV	77

PARKING TABULATION FOR RUSTLER

SPACES REQUIRED 105 (V50 #)
TOTAL SPACES PROV. 70 (2 HANDICAPP INCL. + 7
SPACES FROM ABOVE INCL.)

PARKING SUMMARY:

TOTAL PARKING REQ'D - 178
TOTAL PARKING PROVIDED-147



VICINITY MAP
SCALE: 1" = 2,000'

PRINTS ISSUED

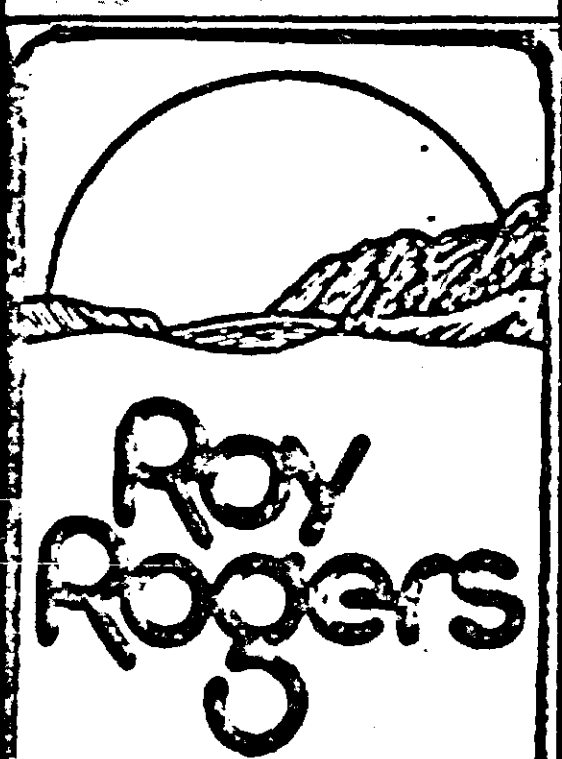
NO	DESCRIPTION

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED
ON THE JOB BY THE CONTRACTOR

ALL PRINTS AND SPECIFICATIONS ARE THE
PROPERTY OF THE OWNER AND MUST BE
RETURNED UPON COMPLETION OF THE WORK

CENTURY ENGINEERING INC.
ENGINEERS · PLANNERS
32 WEST ROAD
TOWSON, MD. 21204



10220 REISTERSTOWN RD.
OWINGS MILLS, MD
4TH ELECTION DISTRICT

BUILDING OWNER-DEVELOPER:

MRO MID-ATLANTIC CORP.
10400 FERNWOOD RD.
BETHESDA, MD. 20058

LAND OWNER:
GARRETT LEASING ASSOC.
c/o BLUM'S INC.
GARRETT BUILDING
BALTIMORE, MD. 21202

SHEET TITLE

SITE PLAN

DRAWN	ISSUED
-------	--------

STATION	ISSUE
ARMED	SCALE

APPN	SCALE
------	-------

JOB NO	DWG NO
1	1

Δ-204 | 6

10

1

REISTERSTOWN

ROAD

U.S. RTE. 140

ROAD

MILL

ZONED MLR-1M

MARYLAND CUP CORP

ZONED ML-1M

NAARDEN - FLAVOREX, INC.

**PETITIONER'S
EXHIBIT 1**

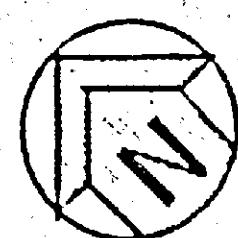


SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

Donald E. Finch 7-18-62
DONALD E. FINCH, R.L.S. NO. 8657 DATE

DONALD E. FINCH, R.L.S. NO. 8657 DATE



ZONED BL-CNS

EXIST. AMOCO SERVICE STATION

ZONED BM

EXIST. SHOPPING CENTER

PLANT LIST

SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	CALIPER	HEIGHT
		DOUBLEFILE VIBURNUM	VIBURNUM TOMENTOSUM		2'
		NORWAY MAPLE	ACER PLATANOIDES	2'-3'	

PARKING TABULATION FOR ROY ROGERS

SPACES REQUIRED	70 (V50 #)
EX SPACES	60
EV HANDICAPPED	2 (INCLUDED IN EXST SPACES)
PROP SPACES	77
PROP HANDICAPPED	2 (INCLUDED IN PROP SPACES)
TOTAL SPACES PROV	77

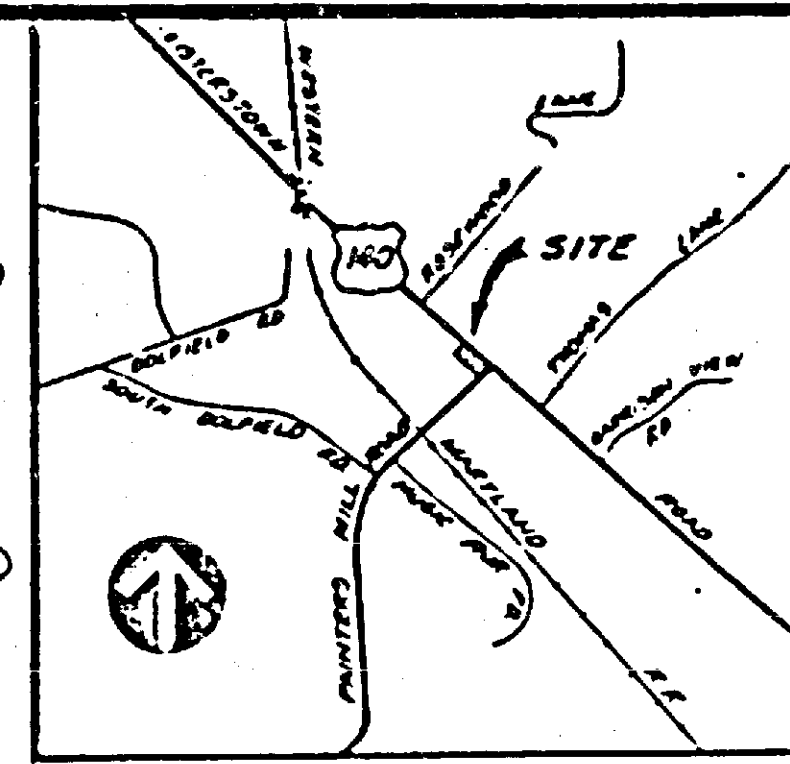
PARKING TABULATION FOR RUSTLER

SPACES REQUIRED	105 (V50 #)
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PARKING SUMMARY:

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TOTAL PARKING PROVIDED - 147

VICINITY MAP
SCALE: 1" = 1,000'



REISTERSTOWN

ROAD

U.S. RTE. 140

ROAD

MILL ROAD

PAINTERS

MARYLAND CUP CORP.

LYON BROS. CO. INC.

ZONED MLR-1M

ZONED ML-1M

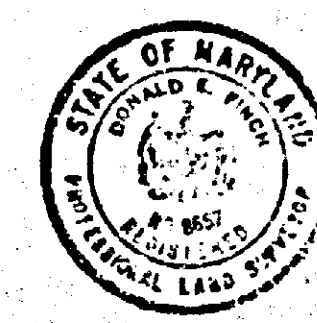
NAARDEN - FLAVOREX, INC.

AREA = 1.0013 AC.
MACADAM

EXISTING ROY ROGERS
ASSUMED F.F. 100.00

EXISTING RUSTLERS

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *[Signature]*
DATE: 12/12/83
BY: *[Signature]*
DATE: 12/12/83
84-104-A
LH27-5-C



SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

DONALD E. FINCH, R.L.S. NO. 8657
DATE: 7-18-83

PRINTS ISSUED

NO. DESCRIPTION DATE BY

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR. ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK.

CENTURY ENGINEERING INC.
ENGINEERS - PLANNERS
32 WEST ROAD
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10220 REISTERSTOWN RD.
OWINGS MILLS, MD
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BUILDING OWNER-DEVELOPER:
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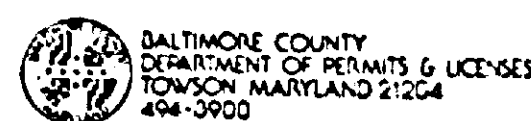
SHEET TITLE

LANDSCAPE PLAN

DRAWN	ISSUED
APPR	SCALE 1" = 20'
JOB NO.	DWG NO.
8-204	C-2

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s), to permit



September 20, 1983

TED JALSKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:
Comments on Item # 35 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Garrett Leasing Associates
Location: 3400 Reisterstown Rd. and Painters Mill Road
Present Zoning: R-1
Proposed Zoning: Variance to permit 147 parking spaces in lieu of the required 178 spaces.

Area: 1.99
District: 4th

The items checked below are applicable:

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If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Mark E. Hammon
Mark E. Hammon, Chief
Plans Review

CEH:rrj
POM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

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Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

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Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

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NW/corner of Reisterstown and
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DATE *Sept 29, 1983*
BY *John R. Langley*

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *20th* day of October, 1983, that the Petition for Variance to permit 147 parking spaces in lieu of the required 178 spaces be and is hereby GRANTED, from and after the date of this Order, subject to the following:

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Wm. Nick Petrovich
Zoning Commissioner of
Baltimore County

Statement of Qualifications:

Gregory R. Klar
Director of Land Development
Century Engineering, Inc.
32 West Road
Towson, Maryland 21204
(301) 823-8070

Education: Chaminade High School, Mineola, New York 1965-1969
Stevens Institute of Technology 1969-1973
B.S. - Civil Engineering 1973
Loyola College (M.B.A.) 1983-Present

Experience: Whitman, Reardon & Associates 1973-1978
Civil Engineer - Land Development

Century Engineering, Inc. 1978-Present
Director - Land Development

Representative Projects: Roy Rogers Conversions - W. Goshen, PA
Quakertown, PA
East Point, MD
Baltimore City, MD
Rivers Corporate Park - 250 Ac. Business Park - Howard Co., MD
Marriott Food Distribution Center - 17.5 Ac. - Jessup, MD
Weis Market - 10 Ac. - Westminster, MD
Village of Kings Contrivance - 460 Ac. - Mixed Use Subdivision
Howard Co., MD
Westminster Mall - 15 Ac. - K-Mart & Giant Shopping Center
Westminster, MD

PETITIONER'S

ORDER RECEIVED FOR FILING

DATE *Oct 20, 1983*
BY *John R. Langley*

- 4 -

ORDER RECEIVED FOR FILING

DATE *Oct 20, 1983*
BY *John R. Langley*

- 2 -

September 22, 1983

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variance
NW/corner Reisterstown & Painters Mill Rds.
Garrett Leasing Associates - Petitioner
Case No. 84-104-A

TIME: 10:30 A.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

cc: MRO Mid-Atlantic Corp.
10400 Foxwood Road
Bethesda, Maryland 20858

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 119491

DATE 7-1-83 ACCOUNT R-01-615-000

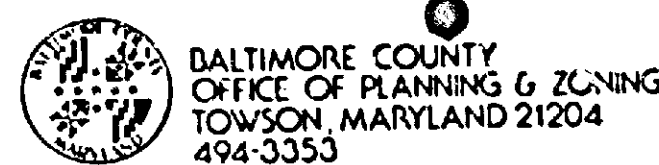
AMOUNT \$62.17

RECEIVED FROM E. Harrison Stone, Esquire

FOR Advertising & Posting Case #84-104-A
(Garrett Leasing Associates)

6 663*****10 018 8262A

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Variance
NW/corner Reisterstown & Painters
Mill Roads
Garrett Leasing Associates - Petitioners
Case No. 84-104-A

Dear Mr. Stone:

This is to advise you that \$62.17 is due for advertising and posting
of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122906

DATE 10/19/83 ACCOUNT R-01-615-000

AMOUNT \$62.17

RECEIVED FROM E. Harrison Stone, Esquire

FOR Advertising & Posting Case #84-104-A
(Garrett Leasing Associates)

6 663*****10 018 8262A

VALIDATION OR SIGNATURE OF CASHIER

**PARKING VARIANCE-SITE PLAN DESCRIPTION
FOR ROY ROGERS-RUSTLER RESTAURANTS
OWINGS MILLS, MD**

BEGINNING for the same at a point on the southwest side of Reisterstown Road,
and the northwest side of Painters Mill Road; thence running (1) South 40
degrees 00 minutes 55 seconds East 136.72 feet, (2) South 24 degrees 43
minutes 32 seconds East 71.43 feet, (3) South 34 degrees 08 minutes 58
seconds West 70.05 feet, (4) South 48 degrees 31 minutes 16 seconds West
70.25 feet, (5) North 47 degrees 32 minutes 15 seconds West 487.69 feet
(6) North 42 degrees 27 minutes 45 seconds East 185.00 feet, (7) South 47
degrees 32 minutes 15 seconds East 281.15 feet to the place of beginning.

Containing 1.9938 acres of land.

PETITION FOR VARIANCE

4th Election District

ZONING: Petition for Variance
LOCATION: Northwest corner Reisterstown and Painters Mill Roads
DATE & TIME: Wednesday, October 19, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit 147 parking spaces in lieu of the
required 178

The Zoning Regulation to be excepted as follows:
Section 409.2. b(3) - parking requirements for a restaurant

All that parcel of land in the Fourth District of Baltimore County

Being the property of Garrett Leasing Associates, as shown on plat plan filed
with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however,
entertain any request for a stay of the issuance of said permit during this period
for good cause shown. Such request must be received in writing by the date of
the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner Date: October 7, 1983
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Garrett Leasing Associates
84-104-A

If granted, it is requested that the petitioner be required to
submit details of landscaping for approval to the Division of Current Planning
and Development.

[Signature]
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

BALTIMORE COUNTY, MARYLAND

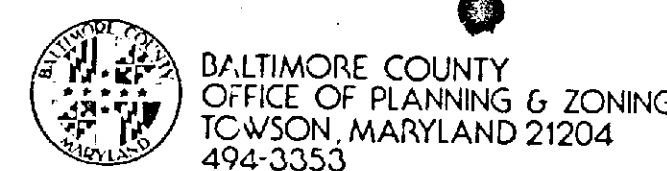
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner Date: October 7, 1983
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Garrett Leasing Associates
84-104-A

If granted, it is requested that the petitioner be required to
submit details of landscaping for approval to the Division of Current Planning
and Development.

[Signature]
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav



ARNOLD JABLON
ZONING COMMISSIONER

October 20, 1983

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variance
NW/corner of Reisterstown and
Painters Mill Roads - 4th
Election District
Garrett Leasing Associates,
Petitioner
Case No. 84-104-A

Dear Mr. Stone:

I have this date passed my Order in the above-referenced matter in accord-
ance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

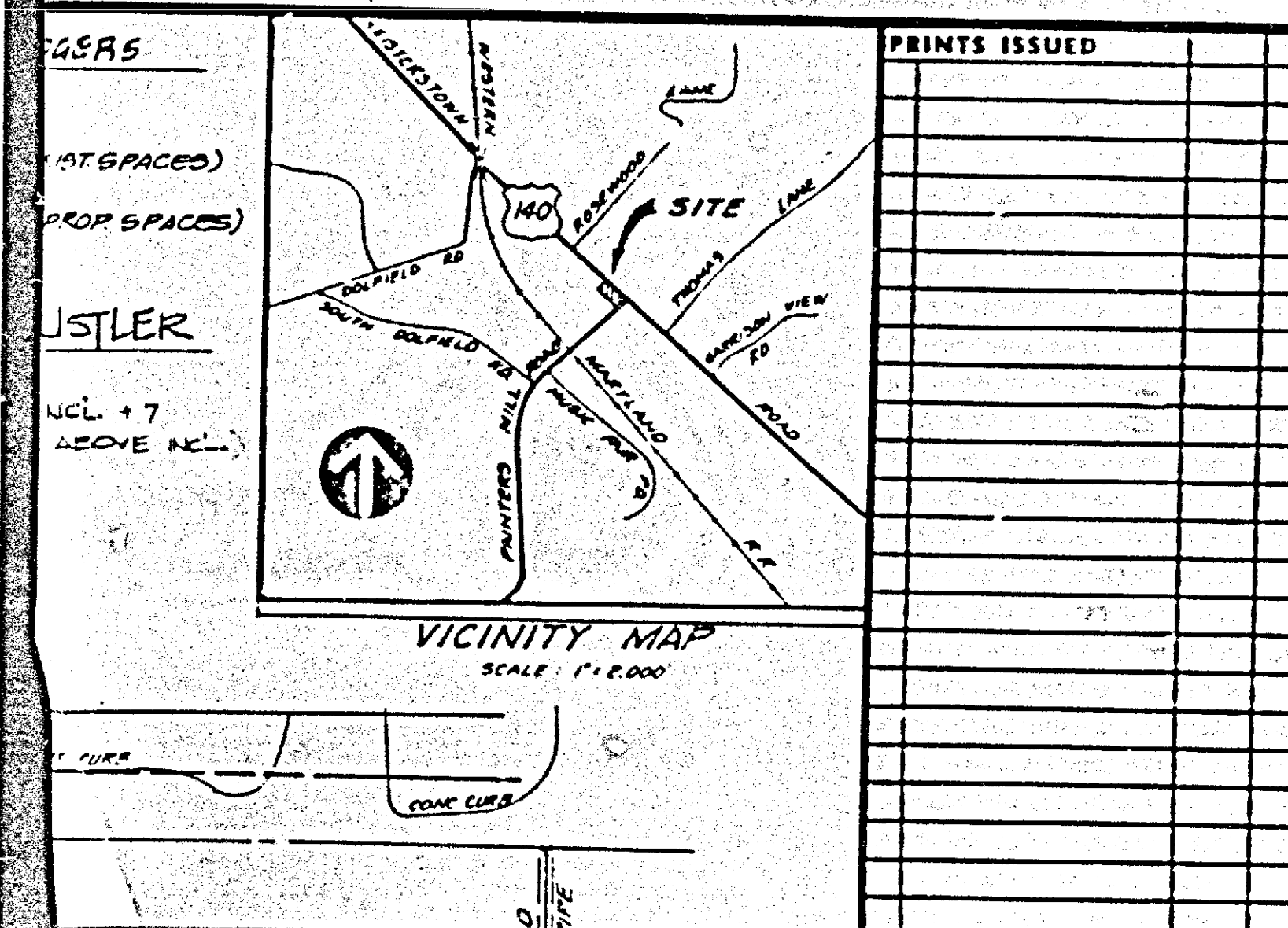
AJ/srl

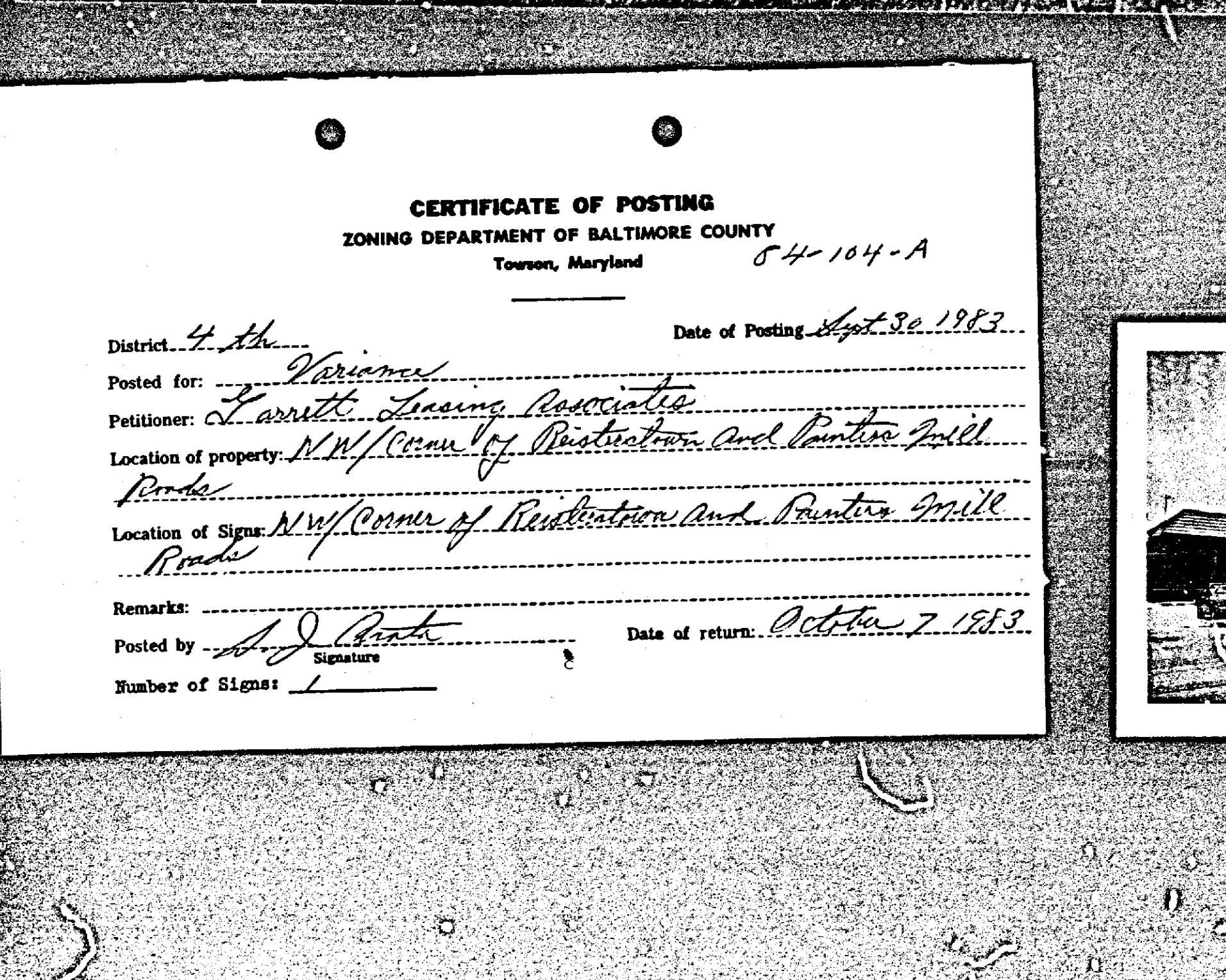
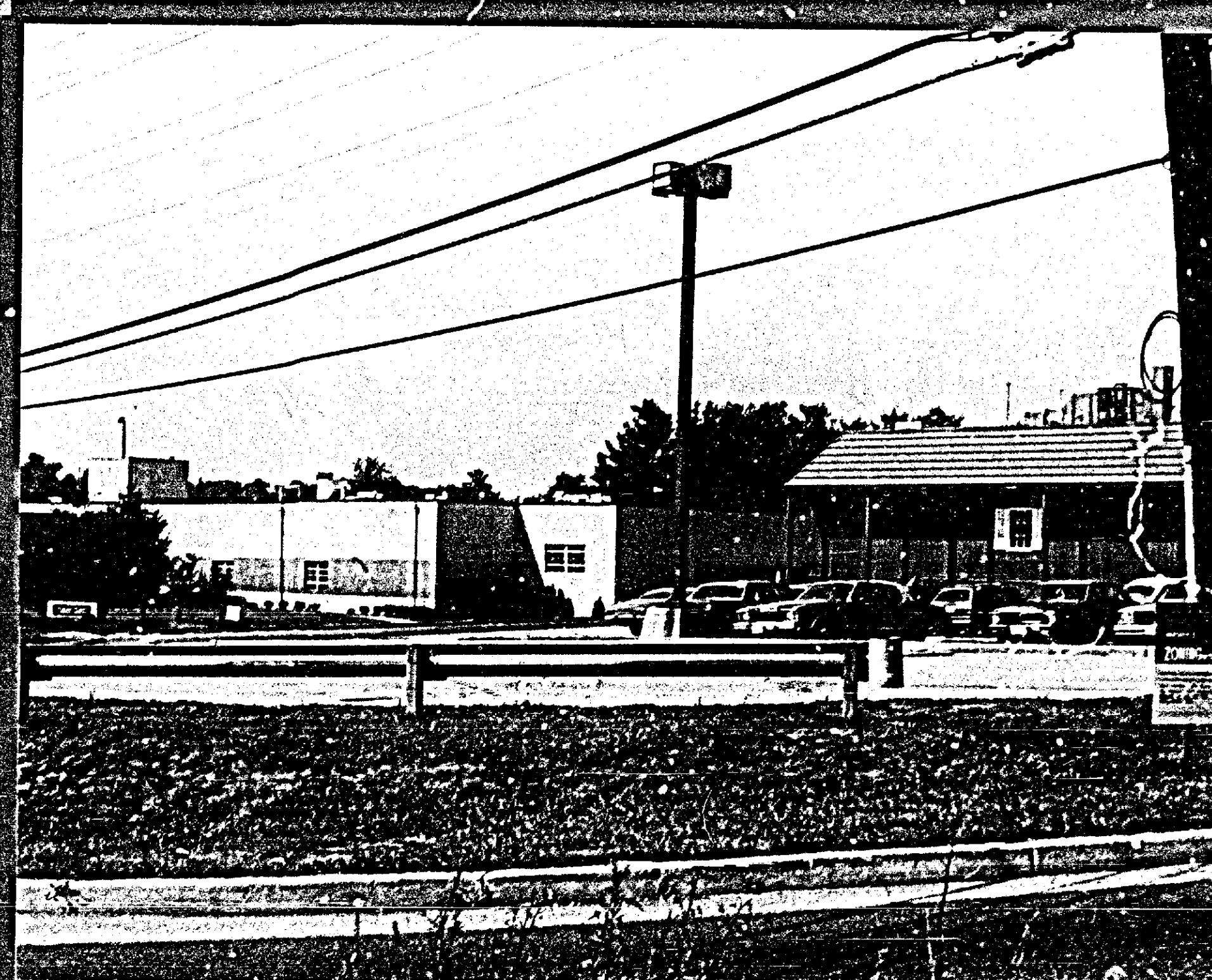
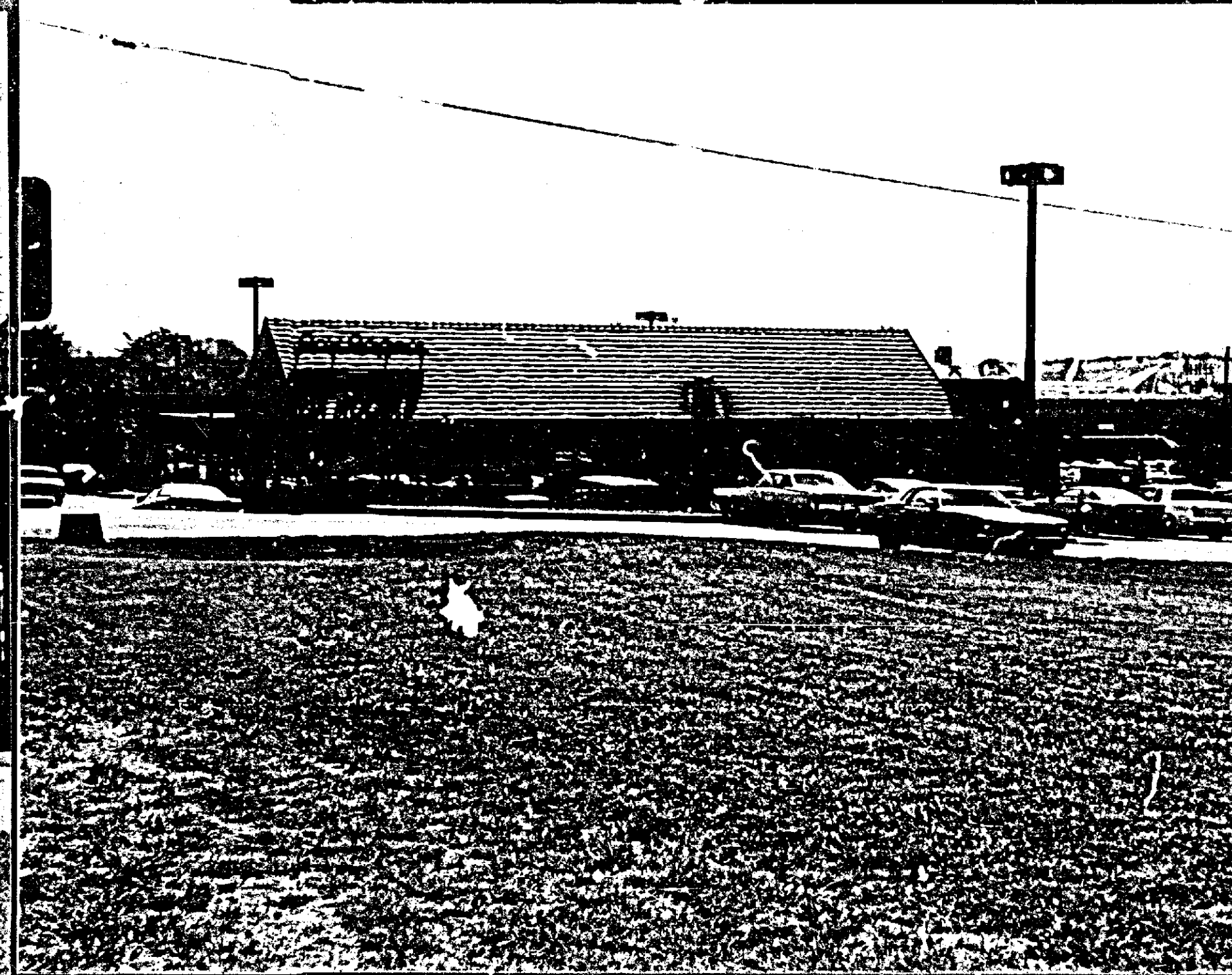
Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

**ROY ROGERS - RUSTLER
PARKING VARIANCE PETITION
OWINGS MILLS, MD.**

CENTURY ENGINEERING, INC.
Consulting Engineers-Planners
32 West Road, Towson, Md. 21204





CERTIFICATE OF PUBLICATION

TOWSON, MD., September 29, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 13th day of October, 1983, the 1st publication appearing on the 22nd day of September, 1983.

THE JEFFERSONIAN
Manager.

Cost of Advertisement, \$22.25

PETITION FOR VARIANCE

4th Election District
ZONING: Petition for Variance
LOCATION: Northwest corner Reisterstown Road and Painters Mill Road
DATE & TIME: Wednesday, October 19, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to permit 147 parking spaces in lieu of the required 178. The Zoning Regulation to be accepted is as follows:

Section 409.2(b)(3) - parking requirements for a restaurant

All that parcel of land in the Fourth District of Baltimore County BEGINNING for the same at a point on the southwest side of Reisterstown Road, and the northwest side of Painters Mill Road, thence running (1) South 40 degrees 00 minutes 35 seconds East 136.72 feet, (2) South 24 degrees 43 minutes 32 seconds East 71.43 feet, (3) South 34 degrees 08 minutes 54 seconds West 70.05 feet, (4) South 48 degrees 31 minutes 15 seconds West 70.25 feet, (5) North 47 degrees 32 minutes 15 seconds West 487.69 feet (6) North 42 degrees 27 minutes 43 seconds East 185.00 feet, (7) South 47 degrees 32 minutes 15 seconds East 281.15 feet to the place of beginning; Containing 1.9208 acres of land, being the property of Garrett Leasing Associates, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of August, 1983.

Petitioner's Attorney: E. Harrison Stone, Esq.
Received by: Nicholas E. Commodore, Chairman, Zoning Plans Advisory Committee

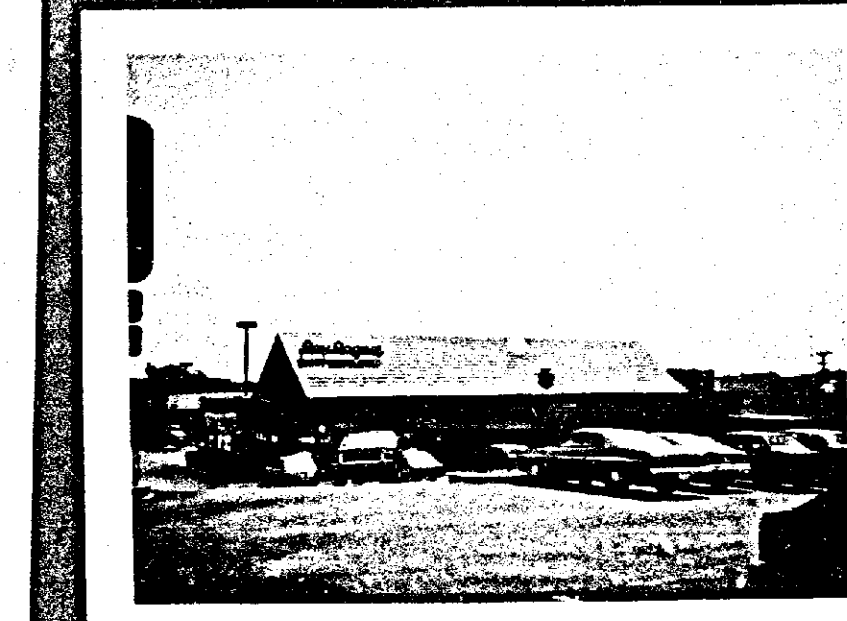
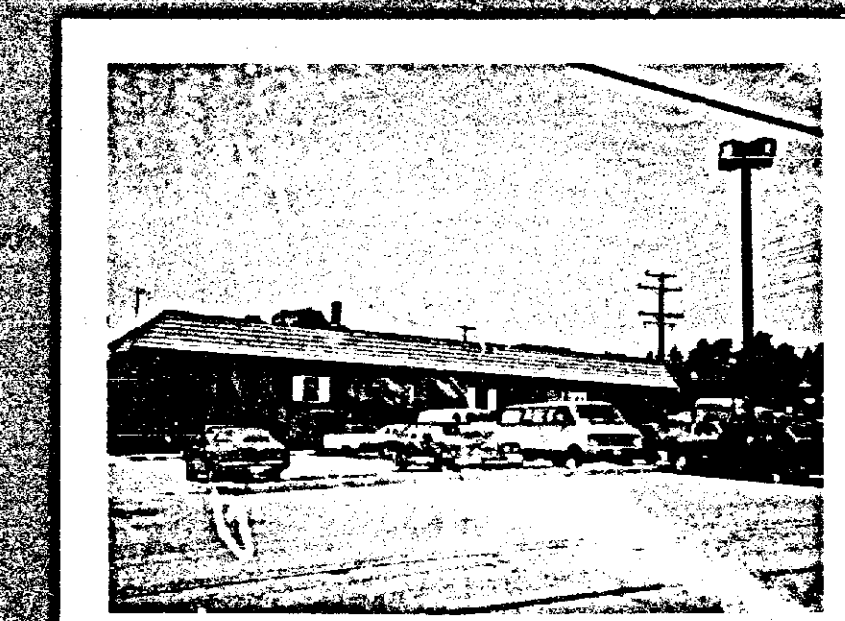
CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: Sept. 30, 1983

Posted for: Variance
Petitioner: Garrett Leasing Associates
Location of property: NW Corner of Reisterstown and Painters Mill Roads
Location of Signs: NW Corner of Reisterstown and Painters Mill Roads

Remarks: [Signature]
Posted by: [Signature] Date of return: October 7, 1983
Number of Signs: 1



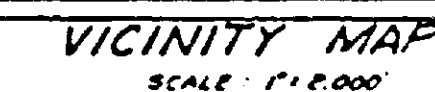


EXIST. SHOPPING CENTER

SPACES REQUIRED	70 (1150 #)
EX SPACES	0
EX HANDICAPPED	2 (INCLUDED IN EXIST SPACES)
PROV SPACES	77
FROM HANDICAPPED	2 (INCLUDED IN PROV SPACES)
TOTAL SPACES PROV	77

SPACES REQUIRED 105 (V50 #)
TOTAL SPACES PROV. 70 (2 HANDICAPP INCL. + 7
SPACES FROM ABOVE INCL.)

TOTAL PARKING REQ'D - 178
TOTAL PARKING PROVIDED-147

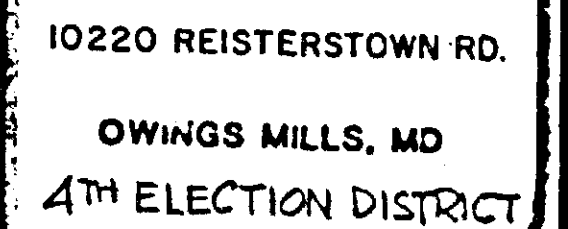


REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR

ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK

CENTURY ENGINEERING INC.
ENGINEERS · PLANNERS
32 WEST ROAD
TOWSON, MD. 21204



BUILDING OWNER-DEVELOPER:
MRO MID-ATLANTIC CORP.
10400 FERNWOOD RD.
BETHESDA, MD. 20058

LAND OWNER:
GARRETT LEASING ASSOC.
c/o BLUM'S INC.
GARRETT BUILDING
BALTIMORE, MD. 21202

SHEET TITLE
SITE PLAN

DRAWN	ISSUED
APPR	SCALE 1" = 20'
JOB NO A-204	DWG NO C-1

LYON BROS. CO. INC.
ZONED MLR-1M

REISTERSTOWN

ROAD

U.S. RTE. 140

AREA = 1.0013 AC.
MACADAM

EXISTING
Y ROGERS

**EXISTING
RUSTLERS**

ZONED ML-1M

NAARDEN - FLAVOREX, INC.

**PETITIONER'S
EXHIBIT 1**



SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON
AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN
ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

Donald E. Finch 7-18-62
DONALD E. FINCH, R.L.S. NO. 8657 DATE

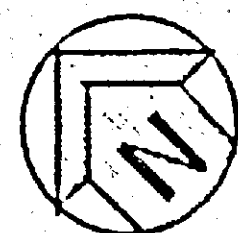
PAINTERS

10' SANITARY

MILL

CONCRETE ISLAND

ROAD



ZONED BL-CNS

EXIST. AMOCO SERVICE STATION

ZONED BM

EXIST. SHOPPING CENTER

PLANT LIST

SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	CALIPER	HEIGHT
		DOUBLEFILE VIBURNUM	VIBURNUM TOMENTOSUM		2'
		NORWAY MAPLE	ACER PLATANOIDES	2'-3'	

PARKING TABULATION FOR ROY ROGERS

SPACES REQUIRED	70 (V50 #)
EX SPACES	60
EV HANDICAPPED	2 (INCLUDED IN EXST SPACES)
PROP SPACES	77
PROP HANDICAPPED	2 (INCLUDED IN PROP SPACES)
TOTAL SPACES PROV	77

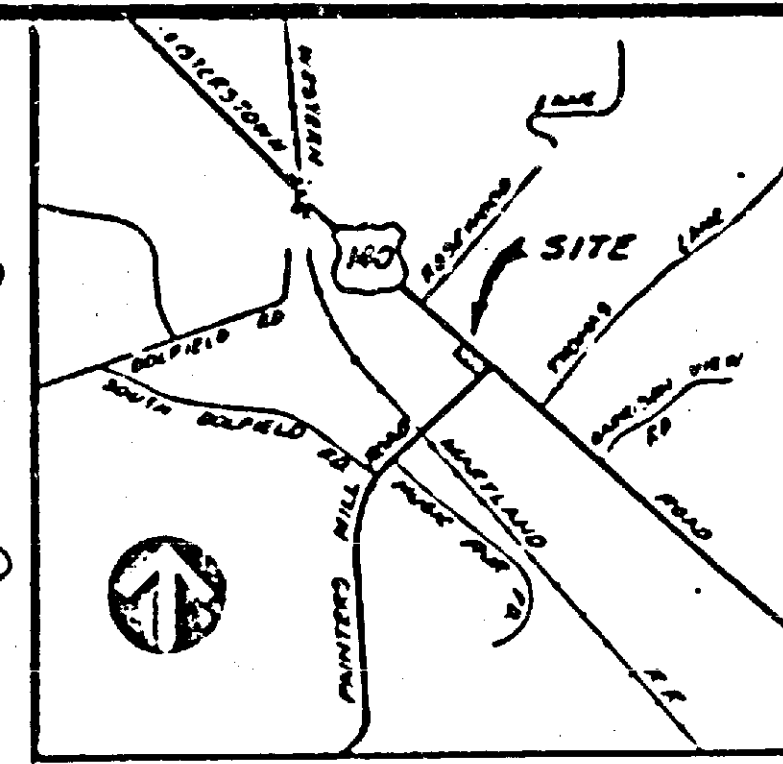
PARKING TABULATION FOR RUSTLER

SPACES REQUIRED	105 (V50 #)
TOTAL SPACES PROV	70 (2 HANDICAPP INCL + 7 SPACES FROM ABOVE INCL)

PARKING SUMMARY:

TOTAL PARKING REQ'D - 178
TOTAL PARKING PROVIDED - 147

VICINITY MAP
SCALE: 1" = 1,000'



REISTERSTOWN

ROAD

U.S. RTE. 140

ROAD

MILL
PAINTERS
MARYLAND CUP CORP.
ZONED MLR-1M

CENTURY ENGINEERING INC.
ENGINEERS - PLANNERS
32 WEST ROAD
TOWSON, MD. 21204



10220 REISTERSTOWN RD.
OWINGS MILLS, MD
4TH ELECTION DISTRICT

BUILDING OWNER-DEVELOPER:
MRO MID-ATLANTIC CORP.
10400 FERNWOOD RD.
BETHESDA, MD. 20058
LAND OWNER:
GARRETT LEASING ASSOC.
c/o BLUM'S INC.
GARRETT BUILDING
BALTIMORE, MD. 21202

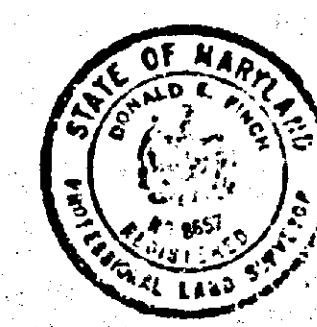
SHEET TITLE
LANDSCAPE PLAN

DRAWN
APPR
JOB NO
A-204

ISSUED
SCALE
1" = 20'
DWG NO
C-2

PLANS APPROVED
OFFICE OF PLANNING & ZONING

BY: *[Signature]*
DATE: 12/12/83
BY: *[Signature]*
DATE: 12/12/83
84-104-A
LH27-5-C



SURVEYORS CERTIFICATE:

I HEREDY CERTIFY THAT WE HAVE SURVEYED THE LANDS DESCRIBED HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT AS SHOWN ABOVE IS A CORRECT REPRESENTATION OF SAID SURVEY.

[Signature] 7-18-83
DONALD E. FINCH, R.L.S. NO. 8657 DATE

NAARDEN - FLAVOREX, INC.

84-104-A 84-104-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2.b(3) to permit 147 parking spaces in lieu of the required 178.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

requirement of 178 parking spaces is too restrictive considering size of lot and imposes both hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LESSEE
MRO MID-ATLANTIC CORP.
(Type or Print Name)
Signature
10400 Fernwood Road
Bethesda, Maryland 20058
City and State

Legal Owner(s):
Garrett Leasing Associates
(Type or Print Name)
BY: *Alvin M. Blum*
Signature
Alvin M. Blum, President, Blum's, Inc.
(Type or Print Name) Partner of Garrett Leasing Associates
Signature

c/o Blum's, Inc.
Garrett Building
Address Phone No.
Baltimore, Maryland 21202
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
102 E. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Name
Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of August, 1983.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of October, 1983, at 10:30 o'clock A.M.

Carl J. ...
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW Corner Reisterstown & Painters Mill Rds., 4th District : OF BALTIMORE COUNTY
GARRETT LEASING ASSOCIATES, : Case No. 84-104-A
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1983, a copy of the foregoing Order was mailed to E. Harrison Stone, Esquire, 132 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Mr. Robert E. Koehler, MRO Mid-Atlantic Corp., 10400 Fernwood Rd., Bethesda, MD 20058, Lessee.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 11, 1983

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 35 - Case No. 84-104-A
Garrett Leasing Associates
Variance Petition

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Robert E. Koehler
MRO Mid-Atlantic Corp.
10400 Fernwood Road
Bethesda, Maryland 20058

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: August 31, 1983
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #35 - Garrett Leasing Associates
- Item #36 - Joris & Carol Brooks
- Item #38 - William F. Wilke, Inc.
- Item #39 - Raymond J. & Pio J. Marocco
- Item #40 - Charles & Mary Hebbel
- Item #41 - Calvin & Joan L. Hornstein
- Item #42 - Robert D. Battista

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 35 -ZAC- Meeting of August 9, 1983
Property Owner: Garrett Leasing Associates
Location: SW/Cor. Reisterstown Road and Painters Mill Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit 147 parking spaces in lieu of required 178 spaces.

Acres: 1.99
District: 4th

Dear Mr. Hammond:

A 31 parking space variance for a fast food restaurant seems excessive and parking problems may occur.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
W. S. Calhoun
Administrator

August 19, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 8-9-83
ITEM: #35.
Property Owner: Garrett Leasing Associates
Location: SW/Cor. Reisterstown Rd. Route 140 and Painters Mill Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit 147 parking spaces in lieu of the required 178 spaces.
Acres: 1.99
District: 4th

Dear Mr. Hammond:

On review of the site plan of 7-18-83 and field inspection, the State Highway Administration finds the variance for parking spaces generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 200-0451 D.C. Metro - 1-800-422-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 2, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #35 (1983-1984)
Property Owner: Garrett Leasing Associates
S/W corner Reisterstown Rd. and Painters Mill Rd.
Acres: 1.99 District: 4th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Reisterstown Road (Rd. 140) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Comments were supplied for this property in conjunction with the Zoning Advisory Committee review for Item 182 (1970-1971).

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 35 (1983-1984).

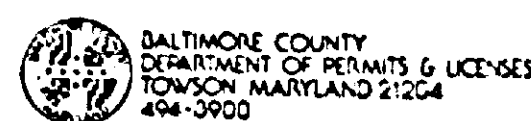
Very truly yours,
Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAV:EAM:FWR:iss

T-SE & SW Key Sheets
43 & 44 NW 31 Pos. Sheets
NW 11 H Topo
58 & 67 Tax Maps

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s), to permit



September 20, 1983

TED JALSKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:
Comments on Item # 35 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Garrett Leasing Associates
Location: 3400 Reisterstown Rd. and Painters Mill Road
Present Zoning: R-1
Proposed Zoning: Variance to permit 147 parking spaces in lieu of the required 178 spaces.

Area: 1.99
District: 4th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal is/is not required.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 401, Line 2, Section 1407 and Table 1405.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- X I. Comments: Additional handicapped spaces are required, see minimum number required by State Handicapped Code, Section .05. See also applicability Section .02. Post proper signage at each space.

NOTES: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #102 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Mark E. Hammon
Mark E. Hammon, Chief
Plans Review

CEH:rrj
POM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

RE: Item No: 35, 36, 37, 38, 39, 40, 41 & 42
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN RE: PETITION ZONING VARIANCE
NW/corner of Reisterstown and
Painters Mill Roads - 4th
Election District
Garrett Leasing Associates,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-104-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by its Lessee, MRO Mid-Atlantic Corporation, requests a variance to permit 147 parking spaces in lieu of the required 178 spaces.

The Lessee appeared with Counsel and presented testimony from Gregory Klar, a registered civil engineer, and George Carbonell, a real estate manager for Marriott Corporation, the parent company of the Lessee. No Protestants appeared.

Testimony indicated, and was uncontested, that the Lessee's request to reduce the number of parking spaces required from 178 to 147 was based on its desire to add a drive-thru window for the customers who use the Roy Rogers' Restaurant it operates on the Petitioner's property, as more fully described on Petitioner's Exhibit 1. The required parking spaces are determined by the total square footage of both restaurants co-existing on the property. The existing Roy Rogers' building is owned by Mid-Atlantic, a subsidiary of Marriott, and is on property owned by Garrett Leasing Associates. The existing Rustler Steak House is owned by Key Enterprises, which subleases the property from Mid-Atlantic which leases from Garrett. There are no property lines separating the two buildings and parking for both is held in common. Testimony indicated that the addition of the drive-thru would necessitate the loss of 31 spaces. The expert opinion of both the Petitioner's engineer and real estate manager is that the proposed number of spaces would be adequate for both businesses and would not interfere with or impede the traffic flow onto, on and out of the site, nor

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DATE *Sept 29, 1983*
BY *John R. Langley*

would interfere with or impede customer parking. The justification for their conclusion is based on the following:

- the drive-thru will reduce the need for customer parking by approximately 25 to 30%, customers who would normally stop and park but now will use the drive-thru;
- the two restaurants' peak business periods are different and blend together in that Roy Rogers serves mostly lunch-time business, approximately 60% of its customers, as contrasted to Rustler which serves mostly dinner-time business, approximately 70% of its customers;
- the parking requirements therefore are complemented by the contrasting business needs; and
- the parking lot is never full.

Testimony indicated that the addition of the drive-thru is a business decision effected by a potential increase in business and due to the direct competition in the area, i.e., other fast-food outlets have drive-thru operations in the area.

Testimony was clear that the missing spaces would not be needed or missed. If 25 to 30% of the customers could be expected to use the drive-thru, there would be a concomitant drop in the need for parking as those customers would literally drive through. The Lessee will provide ten stacking spaces for customers of the drive-thru, but testimony was presented that only five or six would even be needed during the peak hours.

The Petitioner seeks relief from Section 409.2b.(3), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

In an area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *20th* day of October, 1983, that the Petition for Variance to permit 147 parking spaces in lieu of the required 178 spaces be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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- The comments of the Baltimore County Zoning Plans Advisory Committee are adopted in their entirety, and the Petitioner will be required to submit a detailed landscaping plan for approval to the Current Planning and Development Division, Office of Planning and Zoning, will be required to comply with the comments of the Department of Permits and Licenses, and shall submit an amended site plan showing the required number of handicapped parking spaces if Petitioner's Exhibit 1 is not sufficient.

Wm. Nick Petrovich
Zoning Commissioner of
Baltimore County

Statement of Qualifications:

Gregory R. Klar
Director of Land Development
Century Engineering, Inc.
32 West Road
Towson, Maryland 21204
(301) 823-8070

Education: Chaminade High School, Mineola, New York 1965-1969
Stevens Institute of Technology 1969-1973
B.S. - Civil Engineering 1973
Loyola College (M.B.A.) 1983-Present

Experience: Whitman, Reardon & Associates 1973-1978
Civil Engineer - Land Development

Century Engineering, Inc. 1978-Present
Director - Land Development

Representative Projects: Roy Rogers Conversions - W. Goshen, PA
Quakertown, PA
East Point, MD
Baltimore City, MD
Rivers Corporate Park - 250 Ac. Business Park - Howard Co., MD
Marriott Food Distribution Center - 17.5 Ac. - Jessup, MD
Weis Market - 10 Ac. - Westminster, MD
Village of Kings Contrivance - 460 Ac. - Mixed Use Subdivision
Howard Co., MD
Westminster Mall - 15 Ac. - K-Mart & Giant Shopping Center
Westminster, MD

PETITIONER'S

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BY *John R. Langley*

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DATE *Oct 20, 1983*
BY *John R. Langley*

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